

(1) THAT IS WITHIN THE SCOPE OF THE PUBLIC DUTIES OF THE MEMBER OR EMPLOYEE;

(2) THAT IS MADE WITHOUT MALICE OR GROSS NEGLIGENCE;
AND

(3) FOR WHICH THE SOIL CONSERVATION DISTRICT HAS CONSENTED TO SUIT UNDER SUBSECTION (B) OF THIS SECTION, EVEN IF DAMAGES EXCEED THE LIMITS OF THAT CONSENT.

(B) (1) THE EXCLUSIVE REMEDY FOR A TORTIOUS ACT OR OMISSION, FOR WHICH A MEMBER OR EMPLOYEE OF A BOARD OF SUPERVISORS FOR A SOIL CONSERVATION DISTRICT IS IMMUNE FROM SUIT OR LIABILITY UNDER SUBSECTION (A) OF THIS SECTION, IS A SUIT BROUGHT AGAINST THE APPROPRIATE SOIL CONSERVATION DISTRICT.

(2) THE SOIL CONSERVATION DISTRICT MAY NOT ASSERT THE DEFENSE OF GOVERNMENTAL IMMUNITY IN ANY SUIT BROUGHT UNDER THIS SECTION.

(C) THE STATE INSURANCE PROGRAM ADMINISTERED UNDER TITLE 12 OF THE STATE GOVERNMENT ARTICLE FOR PURPOSES OF PROVIDING COVERAGE UNDER THE MARYLAND TORT CLAIMS ACT SHALL:

(1) GOVERN THE LIMITS OF LIABILITY IN ANY SUIT BROUGHT UNDER THIS SECTION; AND

(2) PROVIDE FUNDS FOR THE PAYMENT OF ANY SETTLEMENT OR JUDGMENT ENTERED AGAINST THE SOIL CONSERVATION DISTRICT IN A SUIT BROUGHT UNDER THIS SECTION.

Article - State Government

12-101-

~~In this subtitle, unless the context clearly requires otherwise, "State personnel" means:~~

~~(1) a classified, unclassified, or contractual employee of the State whose compensation is paid wholly or partly from State funds;~~

~~(2) a key employee of the Maryland Port Administration, as described in § 6-204(n) of the Transportation Article;~~

~~(3) a person who, as a volunteer, is providing a service to or for the State;~~

~~(4) an individual who, with or without compensation, exercises a part of the sovereignty of the State; {or}~~